

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62792 of 2017

Arising Out of PS.Case No. -171 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Bhikhari Bhagat @ Bhikhari Kushwaha @ Virendra, son of Madan Bhagat
@ Madan Prasad, Resident of Village- Jagdishpur, P.S.- Kalyanpur,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Advocate

For the Opposite Party/s: Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-01-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner is languishing in judicial custody since
22.06.2017 in connection with Chakiya P.S. Case No. 171 of 2017
registered for offences punishable under Sections 385, 386 and
387 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he used to get ransom call from one Raushan Singh, who is a
member of Azad Hind Fauj and is in jail. Thereafter, two persons
on behalf of the said Raushan Singh came to collect rangdari, but
were apprehended, one of them being petitioner and other co-
accused being Nur Alam.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he is a victim of circumstances and that he has been arrested on the basis of suspicion. It is further submitted that charge-sheet has already been submitted and on similar allegation, another co-accused, Nur Alam has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 56113 of 2017 vide order dated 16.01.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned 13th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakiya P.S. Case No. 171 of 2017, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.



(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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